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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,346	06/07/2001	Tadashi Ichida	57139-5052	9056

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EXAMINER

LUONG, VINH

ART UNIT PAPER NUMBER

3682

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/876,346	ICHIDA ET AL.	
	Examiner	Art Unit	
	Bradley J. Van Pelt	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 10 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 10 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano (USPN 5,325,735) in view of Kine (USPN 3,935,930).

Nagano disclose a bracket 15 attachable to the handlebar 11; a pivot shaft "X" spaced from the handlebar; a rotating member 18 rotatable in a first direction and second direction about the pivot shaft; a control lever 4 operatively connected with the rotating member, wherein the lever is biased in a neutral position (via spring 21, see column 3, lines 60-65) and moveable in a first and second direction, and wherein the neutral position is between the first and second directions (see Fig. 6); a push mechanism 6 configured to cooperate with and rotate the rotating member in the first direction; a return mechanism 8, 9, 20 configured to cooperate with and rotate the rotating member in the second direction; .

A first and second latch segment 18a, a push and return pawl 6, 8, 9 and a first and second claw (teeth of 8 and 9);

Spur gear 3a, a crown gear 13a.

Nagano does not disclose a master piston, an adjusting piston extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber for the adjusting piston, a slave cylinder and the adjusting piston adjustably extends into the adjuster chamber.

Art Unit: 3682

Kine discloses a master piston 3 an adjusting piston 51 extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber 41 for the adjusting piston, a slave cylinder.

To modify the apparatus of Nagano so as to provide a master-slave cylinder assembly instead of a Bowden cable assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kine that such an arrangement improves the life of the shifting device, because a master-slave cylinder device is more durable with respect to dirt, moisture, and does not kink when the sleeve is bent (see column 1, lines 10-40, in Wendler USPN 5,890,979).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second chamber for the adjuster piston, since it has been held that mere duplication of the essential working parts of a device only involves routine skill in the art.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Kine as applied to claims 2 and 5 above, and further in view of Kund (USPN 5,178,033).

The above reference combination discloses all of the instant invention except a rack and pinion combination.

Kund shows a rack and pinion assembly (Fig. 7).

To modify the above reference combination so as to provide a rack and pinion assembly instead of a spur gear-crown gear assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kund that such an arrangement improves the precision of the device.

4. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Kine and Kund.

Nagano discloses a bracket 15 attachable to the handlebar 11; a pivot shaft "X" spaced from the handlebar; a rotating member 18 rotatable in a first direction and second direction about the pivot shaft; a control lever 4 operatively connected with the rotating member, wherein the lever is biased in a neutral position (via spring 21, see column 3, lines 60-65) and moveable in a first and second direction, and wherein the neutral position is between the first and second directions (see Fig. 6); a push mechanism 6 configured to cooperate with and rotate the rotating member in the first direction; a return mechanism 8, 9, 20 configured to cooperate with and rotate the rotating member in the second direction; .

A first and second latch segment 18a, a push and return pawl 6, 8, 9 and a first and second claw (teeth of 8 and 9);

Spur gear 3a, a crown gear 13a.

Nagano does not disclose a master piston, an adjusting piston extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber for the adjusting piston, a slave cylinder, a conduit conveying a fluid between the master cylinder assembly and the slave cylinder assembly, the adjuster piston threadingly engaged with the master cylinder; a rack and pinion combination.

Kine discloses a master piston 3 an adjusting piston 51 extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber 41 for the adjusting piston, a slave cylinder, a conduit conveying a fluid between the master cylinder assembly and the slave cylinder assembly, the adjuster piston threadingly engaged with the master cylinder.

Kund shows a rack and pinion assembly (Fig. 7).

To modify the apparatus of Nagano so as to provide a master-slave cylinder assembly instead of a Bowden cable assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kine that such an arrangement improves the life of the shifting device, because a master-slave cylinder device is more durable with respect to dirt, moisture, and does not kink when the sleeve is bent (see column 1, lines 10-40).

To modify the apparatus of Nagano so as to provide a rack and pinion assembly instead of a spur gear-crown gear assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kund that such an arrangement improves the precision of the device.

Response to Arguments

5. Applicant's arguments with respect to claims 2-5, 7, 10 and 16 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J. Van Pelt whose telephone number is (571)272-7113. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571)272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP 


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3682